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 Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. CV 99-0017
)	
Plaintiff,)	
)	
v.)	QUARTERLY STATUS REPORT
)	FOR THE PERIOD ENDING
COMMONWEALTH OF THE)	January 1, 2008
NORTHERN MARIANA ISLANDS,)	
GOVERNOR OF THE NORTHERN)	
MARIANA ISLANDS,)	
COMMISSIONER OF THE)	
DEPARTMENT OF PUBLIC)	
SAFETY, SECRETARY OF THE)	
DEPARTMENT OF LABOR AND)	
IMMIGRATION, SECRETARY OF)	
THE DEPARTMENT OF)	
COMMUNITY AND CULTURAL)	
AFFAIRS,)	
)	
Defendants.)	
)	

Background

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005, July 1, 2005, October 1, 2005, January 1, 2006, April 1, 2006, July 1, 2006, October 1, 2006,

January 1, 2007, April 1, 2007, July 1, 2007¹, and October 1, 2007 were timely filed with the US Department of Justice.

History and Progress

[2] The Consent Decree was executed on February 25, 1999. Following a period of nearly four years, the parties reviewed the status of the Consent Decree. Concerns arose about the focus and reporting of compliance efforts. To address these concerns and improve future performance, the Commonwealth proposed a change in reporting from reporting once every six months to once per quarter.

[3] The old juvenile detention facility has been closed and the new Kagman Facility opened for operations in the spring of 2004². It has consistently operated in substantial compliance with provisions of the Consent Decree. The population has generally averaged about 7-10 juveniles per day, substantially below the facility's rated capacity of 40.

[4] A new adult correctional facility has been constructed at an investment of approximately \$23M. It is now substantially completed. Occupancy is planned for this quarter (i.e., on or before April 1, 2008).

Department of Corrections

[5] The Department of Corrections has obtained additional staffing and anticipates approximately 23 additional staff completing initial training and joining the Department during January, 2008. This will bring the current total Department staffing level to 100.

¹ The July 1, 2007 and October 1, 2007 facility information was transmitted to the US Department of Justice with follow up reviews between the Commonwealth and US Department of Justice occurring by e-mail and scheduled conference calls. Copies of this information were not forwarded to the Court. The responsibility for this rests with the Consent Decree Coordinator.

² Notwithstanding substantial compliance of the Kagman Facility for a period in excess of one year, the Commonwealth plans to seek overall closure of the Consent Decree after the new prison is fully operational.

[6] Also during this quarter, Department of Corrections Deputy Director (and former Acting Commissioner) Juan M. Ayuyu passed away. His death was unexpected and has created leadership and management challenges for the Department.

[7] The Commonwealth has maintained communication with the US Department of Justice on operations and plans for the opening of the new facility. Facility information for this quarter is attached and has been certified as accurate by the responsible official. An on-site visit by US Department of Justice attorneys and experts is anticipated within (approximately) the next quarter. Since the new facility will be opened prior to the next site visit, the Commonwealth has adopted an additional reporting requirement. Until further notice, once the new facility is occupied, the Commonwealth will report³ on the 1st and 15th of each month on:

- Violent Incident(s). Any incident of violence will be reported including information related to the incident, corrective action taken, changes to facility policy and procedure adopted as a result. If no violent incident occurs during the reporting period, this will be so reported.
- Health Incident(s). The Commonwealth Department of Public Health has taken a major step forward by engaging the contract services of Dr. Janna Wilgus, M.D. for individuals in the custody of the Department of Corrections. Any significant health incident with implications for the general health will be reported including information related to the incident, corrective action taken, changes to facility policy and procedure adopted as a result. If no health incident occurs during the reporting period, this will be so reported.

[8] It should be noted that the Commonwealth has experienced a significant, ongoing period of budget retrenchment and the fact that staffing for the Department of Corrections has been not only maintained but increased is a significant testament to the commitment of the Commonwealth to the execution of the Consent Decree. A further demonstration of substantive commitment is the Commonwealth continuing quarterly reporting (started at the initiative of the

³ Information from these reports will be shared with the US Department of Justice with such follow up as may be appropriate.

Commonwealth from the initially required 6-month reporting) and now adding twice-a-month reporting on specific areas of possible concern (violence and health).

Division of Youth Services

[9] The population housed in the Kagman Facility continues significantly below the facility capacity of 40. Overall, the facility continues to operate in substantial compliance with requirements of the Consent Decree.

[10] Detailed information regarding facility operations is attached as part of the current quarterly report. As with information submitted regarding the Department of Corrections, facts contained in facility reporting have been certified as to accuracy.

Renovation of Rota and Tinian Facilities

[11] A contract to renovate the Rota Detention Facility and the Tinian Detention Facility was issued and work has been completed. Status information has been obtained from the Department of Public Works (DPW) indicating progress. Further review of the work that has been completed and coordination with the US Department of Justice on this project will continue.

CONCLUSION

[12] The financial constraints facing the Commonwealth are severe and significant. Notwithstanding this challenge, the CNMI intends to continue its progress and efforts to maintain and improve compliance with the Consent Decree and, at an appropriate time, seek closure of the case.

Respectfully submitted,



Edward T. Buckingham
Consent Decree Coordinator / Attorney for Defendants